

HYDE AND GARDNER BOTH ON THE STAND, MAKE SWEEPING DENIALS OF BRIBERY

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FINAL EDITION

The

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World.

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MURPHY AND DIX AT WAR; BREAK COMES IN NAMING FOWLER FOR SURROGATE

Governor's Appointments Believed to Foreshadow Hard Times for Tammany.

JUDGES UNINDORSED.

Only One of Three Men Named by Executive Had Leader's Approval.

(Special From a Staff Correspondent of The Evening World.)

ALBANY, N. Y., Feb. 21.—In the appointment of Robert Ludlow Fowler as Surrogate in New York County, Charles P. Murphy, boss of Tammany Hall, today received the coldest of rebuffs. Fowler, who has been given the position of surrogate, is a member of the executive committee of the Albany County Democratic Association. Coming close upon the heels of statements inspired by the Governor that Sweeney could not win the Surrogate's office, the appointment is taken as foreshadowing hard times for the Tammany leaders.

The action of the Governor today in a measure confirms rumors which have been persistently circulated here that before his departure from Albany last week Murphy and the Governor had a very heated argument in the Executive Chamber, at the end of which Murphy left, angrily declaring that he was through and would not come to Albany again.

Only One Indorsed.

Of three judicial appointments made by Gov. Dix today only one had the indorsement of the Murphy machine. The other two men chosen were independent Democrats and anti-machine men of the "high-brow" type. The Governor appointed Henry Purcell of Watertown to be Justice of the Supreme Court to succeed the late Watson M. Rogers. Purcell did not have the indorsement of the Murphy machine. He is a member of the Albany County Democratic Association, and is a member of the Albany County Democratic Association. The Governor also appointed Thomas H. Bonta of Salamanca, appointed County Judge for Cattaraugus, while not an enthusiastic Murphy man, is an old time Democrat and was indorsed by Murphy.

The blow which struck home to Boss Murphy, however, was the nomination of Robert L. Luce, former chairman of the Tammany Hall speakers' bureau, and the one man whom Murphy insisted upon for the office of Surrogate to succeed the late John C. Thomas.

Story of Turndown.

The story of the turndown of Luce is one of the most interesting chapters in the history of the fight which has been waged in Albany since the inauguration between Thomas M. Osborne and Boss Murphy with the favor of the Governor as the stake. Friends of Luce and Murphy assert that Gov. Dix had previously given his word to Luce that he would name him as candidate for the office of Surrogate. On Feb. 1 the Governor's secretary telegraphed for Luce and he came to Albany and saw Dix. At that meeting the Governor agreed to send his nomination to the Senate within a few days. Luce accepted this promise and did nothing more except to secure the indorsements of a number of prominent men, among them Bishop Greer.

A few days later Luce learned that the Judiciary Committee of the Bar Association had held a secret meeting and prepared a list of candidates to be sent to the Governor. His name was not on the list.

Luce went to work among his friends in the Bar Association and asked for a new meeting of the Judiciary Committee. A second meeting was held, but that was about the time that Sweeney's friends in Wall street were accusing Murphy of double crossing their Senatorial candidate, and Luce failed to be chosen.

Of Late Family.

The new Surrogate was born in 1852 at Newburgh, N. Y. He is a member of one of the oldest families in that part of the State. His grandfather was one of the men responsible for the building of the Erie Railroad. At an early age Mr. Fowler entered the University. Shortly after that he was appointed to Annapolis, where he studied three years until compelled to retire by ill-health. After a rest in Europe he was graduated from Columbia Law School in 1879 and entered on the

NAB SNEAK THIEF ON FIRE ESCAPE OF BIG APARTMENT

Women and Children Watch Thrilling Chase in Which Shots Are Fired.

PHONE HIS UNDOING.

Climbs Into Home of Nurses and Witness Tells Girl on Switchboard.

Jury's Verdict for Garvey May Affect More Than 1,000 Who Were Ousted.

Fully a thousand persons, mostly women and children, saw the thrilling capture of a sneak thief on a fire escape landing at the rear of the six-story apartment house at No. 94 West One Hundred and Fortieth street this afternoon. In landing the thief John Bazzard, superintendent of the apartment, fired three shots from a revolver.

The spectators saw the pursuit and subsequent events from the rear windows of apartment houses in One Hundred and Thirtieth street. One Hundred and Fortieth street and Broadway and from a great courtyard extending east and west the length of the block.

There is a vacant apartment in the rear on the fourth floor of No. 94. Tenants in rear apartments in Nos. 90, 92 and 96 West One Hundred and Thirtieth street looking from their windows saw a young man clad in a long overcoat slip onto the fire-escape landing from this window and climb up the ladder to the top floor, where he opened a window and entered a flat occupied by Miss Garvey and Miss Whittier, trained nurses, both of whom were away from home.

Notified by Telephone.

The news was telephoned down to Louise Lee, the telephone operator of the block of houses in One Hundred and Thirtieth street, and she in turn telephoned to May Stokes, who attends the switchboard for the One Hundred and Fortieth street block. Miss Stokes notified Supt. Bazzard, who was in bed suffering from a severe attack of neuritis. Despite his illness Bazzard got up, looked on his clothes, called his assistant, George Kelly, who is about five feet tall, armed himself, and went to the top floor of No. 94. There he cautiously peeked the door of the apartment of the nurses because of a noisy knock.

Kelly then went down to the vacant apartment on the fourth floor and made his way to the fire escape landing. At the same time the thief appeared on the landing of the apartment house. He was staring up the ladder to the roof when Bazzard appeared over the edge and fired three shots at the thief. The thief "let go" yelled the thief, backing down to the landing on the fifth floor, where he was met by Kelly, who grabbed him about the throat with both hands and choked him. Bazzard climbed down from the roof and stood over the captive with drawn revolver.

Phone Calls Resolves.

In the mean time the sound of pistol shots and the screams of the tenants had attracted a crowd from the street and had peeped every window opening on the court with heads. Miss Lee and Miss Stokes and a dozen others were frantically telephoning for the police, but it was nearly fifteen minutes before Policemen Dillon appeared, slowly followed by the reserve force from the West One Hundred and Fifty-second street station.

Dillon made his way up the fire escape and took charge of the captive, who was unarmed. The prisoner said he was Joseph Stevens, twenty-three years old, a clerk of No. 24 West One Hundred and Twenty-sixth street. He was very well dressed, all his belongings and his shoes being practically new. To the accompaniment of cheers and yells and howls Stevens was escorted down the ladder and out to the patrol wagon. He was surrounded by the West One Hundred and Fifty-second street station and was found possessed of a pair of pearl earrings, a necklace of white and blue stones, a wedding ring marked "C. H." and some minor pieces of jewelry.

HYDE DENIES UNDER OATH HE KNEW OF \$500,000 BRIBE

Accused Ex-Senator With His Wife, Mother and Witness Leaving Court



MRS. GARDNER, SR. MRS. HALL FRANK J. GARDNER AND BRIBE.

SAID ACTRESS WAS COUSIN. HE DID SOMETHING WRONG; ASKS COPS TO FIND OUT WHAT

Beckett Not Sure, Especially Because of Wife's Note.

Francis R. Arnold, explaining his trips to the office of the District Attorney, today said that he had clues and letters which made him sure that his daughter, Dorothy H. C. Arnold, had been kidnapped and murdered, and that her body was subsequently hidden in order to conceal the crime.

Then Mr. Arnold closed the doors of his house forever to reporters, after declining to say what was the nature of the clues and letters he had placed before the District Attorney. The father of the missing girl held his last reportorial reception at his home, No. 148 East Seventy-ninth street.

"Why did you go to the office of the District Attorney?" he was asked.

"I went there to present a number of clues and some letters bearing upon the disappearance of my daughter."

"What was the nature of the clues and letters?"

"They concerned me that my daughter was a victim of foul play."

"Upon what particular things do you base your belief in this fact?"

"I must decline to say. I have clues and letters that make me believe that my daughter was kidnapped in Fifth Avenue on Dec. 21, and that the person who kidnapped her afterwards disposed of her body in a certain way."

"What have you done?"

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STANDEE ORDINANCE FAILS.

Alldermen Vote 33 to 22 Against Law for Theatre.

The proposed ordinance prohibiting standees in theatres, under restricted conditions, was defeated in the Board of Aldermen today by a vote of thirty-three to twenty-two. Alderman Alexander S. Dinsmore, who had opposed another form of ordinance, which was defeated and did not vote. But against the ordinance, Dinsmore's objection was that it was a violation of the constitution. Alderman John J. White made a personal appeal for the passage of the ordinance, explaining that he himself was in the theatrical business and that he as well as other theatrical men of the city were in a very bad way.

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City Chamberlain Declares at Gardner Trial That He Knows Nothing of the Delmonico Dinner or \$500,000 Fund.

GARDNER CONTRADICTS ELDER'S ENTIRE STORY.

Defense Springs Another Surprise by Calling Wife of George W. Hall, Who Yesterday Told Jury About \$200,000 Fund.

City Chamberlain Charles H. Hyde went on the stand today in the trial for bribery of ex-Senator Frank Gardner before Justice Seabury and positively and circumstantially denied that he was ever engaged in a plan to defeat the Hart-Agnew anti-betting bills, that he ever handled any money for that purpose, that he ever heard of the collection of a fund for use at Albany, that he ever attended a dinner at Delmonico's or the Knickerbocker at which such a fund was discussed, and that he ever was in Wilkes-Barre or Scranton, Pa., in his life.

Assistant District Attorney Nott, after vainly trying to break down Mr. Hyde's story on cross-examination, sought to bring out that the witness did not testify before the Legislative Graft Investigation Committee. He was not allowed to ask questions along that line.

ARNOLD CLUES POINT TO MURDER, FATHER INSISTS

Parent of Long Missing Girl Supplies Information to District-Attorney's Office.

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The absolute and specific denial of Mr. Hyde was the second blow the defense dealt the prosecution during the morning session. Earlier in the day Mrs. George W. Hall of Scranton, Pa., wife of a witness who corroborated testimony against Gardner yesterday, swore that she never heard any of the alleged conversations between her husband and Gardner in which the bribery of Fowler was discussed. Mr. Nott sought to lessen the effect of her testimony by the production of some memoranda in lead pencil, but his effort was not convincing.

Mrs. Gardner on Stand.

Gardner's wife was also called to deny the testimony given by Hall, and her statements were as sweeping as those of Mrs. Hall. Assistant District Attorney Nott questioned her about her relations with Gardner before their marriage. With much spirit she replied to questions tending to show that she had lived with Gardner before the ceremony was performed. She declared there was nothing improper in their relations.

When she left the stand Gardner himself took it and denied the stories of race all bribery told by Fowler, Elder and Hall.

According to Gardner's version of his conversation with Hall, the assistant prosecutor of Kings County declared he (Elder) could get a place on the Supreme Court bench if he could turn up sufficient evidence of race-track bribery to warrant a legislative investigation. Gardner put Elder in the role of asking about the thing he afterward declared Gardner had told him. He declared he told Elder he knew nothing about the told Elder he knew nothing about the alleged Delmonico dinner or the \$200,000 fund.

Assistant District Attorney Nott postponed the cross-examination of Gardner until Thursday and the trial was adjourned over Washington's Birthday.

TESTIMONY OF HYDE A DENIAL OF RACE CORRUPTION FUND.

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FOR RACING SEE PAGE 10.